

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SERGIO A. PONDER, SR.,

Plaintiff,

v.

ORDER
04-CV-698A

DAVID CLARKE, et al.,

Defendants.

The above-referenced case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(B). On February 5, 2007, Magistrate Judge Foschio filed a Report and Recommendation, recommending that defendants' motion to dismiss the action for failure to prosecute be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendants' motion to dismiss the action for failure to prosecute is granted. The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: February 26, 2007